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12
13 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
14 **OAKLAND DIVISION**

15 IN RE COLLEGIATE ATHLETE NIL
LITIGATION

16 Plaintiff(s),

17 v.

18 Defendant(s).

Case No. 4:20-cv-03919-CW

**NOTICE OF JOINDER IN OBJECTION TO
SETTLEMENT AGREEMENT AND
OPPOSITION TO MOTION FOR
PRELIMINARY SETTLEMENT
APPROVAL [DOC. 475]**

19 Date: September 5, 2024
20 Time: 2:30 p.m.
Courtroom: 2, 4th Floor
21 Judge: Hon. Claudia Wilken

1 Pursuant to Federal Rule of Civil Procedure 23(e)(5), the seven class members listed below
2 respectfully join in the Objection to Settlement Agreement and Opposition to Motion for
3 Preliminary Settlement Approval, filed at Dkt. 475.

4 The class members joining the Objection (“Objectors”) are members of the “Additional
5 Sports Class” and the “Injunctive Relief Settlement Class” as defined in the proposed settlement
6 agreement filed in this matter, and thus should be classified as “Objectors.” *See* Dkt. 450-3.
7 Objectors are student-athletes who are members of the “Additional Sports Class” and the “Injunctive
8 Relief Settlement Class” as defined in the Settlement. *See* Dkt. 450-3 (“Settlement”) ¶ 1(n)(3), (z).
9 These seven additional Objectors hereby adopt and incorporate by reference the arguments and
10 authorities set forth in the previously-filed Objection. *See* Doc. 475, in its entirety.

11 **I. OBJECTORS JOINING IN OBJECTION**

12 **Alyssa Baumann** was an elite Team USA gymnast and Division I gymnast from 2018 to
13 2021. Baumann was a member of Team USA at the 2014 World Championships that won gold.
14 Over the course of her career competing for the University of Florida gymnastics team, she earned
15 All-American accolades eight times (2 NCAA/6 WCGA Regular Season) and three SEC balance
16 beam championships (2018, 2019 & 2021), as well as Academic and SEC Honor roll. Baumann
17 was also one of the former Team USA gymnasts who came forward publicly as a sexual abuse
18 survivor of former Olympic doctor Larry Nassar. Since coming forward, Baumann has bravely
19 advocated and testified in the Texas legislature for reforms to laws that impact child sexual abuse
20 survivors in Texas. Baumann is now a law student in North Carolina.

21 **Napualani Hall** was an elite gymnast and a member of the UCLA NCAA Division I
22 gymnastics team from 2016 to 2018. As a leading member of the collegiate gymnastics powerhouse
23 team at UCLA, Hall recorded the team’s second-highest vault score to help lead UCLA to its
24 seventh NCAA Championship in 2018. Also in 2018, Hall was named as a 2 Second-Team All-
25 American on vault and All-Pac-12 on vault. As an elite gymnast, Hall was the 2013 National vault
26 champion and two-time USA Championships qualifier. Hall graduated from UCLA with a degree in
27 Sociology and now works as a specialized Buyers Agent and Operations Lead in real estate in
28 California.

1 **Kennedy Baker** was an elite Team USA gymnast and member of University of Florida's
2 NCAA Division I gymnastics team from 2015-2018. Among her many accomplishments as an elite
3 and collegiate gymnast, Baker was a member of the Senior International Elite and two-time member
4 of the U.S. Senior National Team. Baker qualified and competed in the Olympic Trials in 2017
5 where she placed seventh in the bars and eighth in the all-around and floor. In 2015 at the NCAA
6 Gymnastics Championships, Baker helped her team advance to the Super Six Final and win the
7 national title. Baker also earned All-America First Team Honors on the floor exercise. Baker was
8 also named SEC Co-Freshman of the Year as a freshman. In 2016, at the SEC Championships,
9 Baker won the all-around. Baker also spoke out publicly as a survivor of sexual abuse related to
10 Larry Nassar, and she has also advocated for survivors publicly in Texas and nationally. Baker lives
11 in California she has worked as an ESPN commentator on Women's Gymnastics since retiring from
12 competition.

13 **Peyton Michelle Ernst** was a collegiate and elite Team USA national gymnast. Ernst started
14 her collegiate gymnastics career at the University of Florida and competed for UF from the Fall of
15 2015 to the Spring of 2016. Ernst was placed on medical leave from University of Florida after that
16 first season. Ernst then transferred to the University of Alabama. On September 20, 2018 Ernst had
17 announced her retirement from gymnastics. As an elite gymnast, Ernst competed in the 2014 Pacific
18 Rim Championships for Team USA (among other competitions) in Richmond, British Columbia,
19 where she replaced Simone Biles and ended up placing first in the team finals for Team USA.

20 **Rachel Baumann** was an elite gymnast and a member of the NCAA Division I University of
21 Georgia gymnastics team starting in 2019. Baumann competed as a member of the Junior Olympic
22 National Gymnastics Team in 2016 and 2017. Among her many accomplishments, Baumann was
23 the 2017 Junior Olympics Level 10 Senior B balance beam champion, all-around runner-up and
24 sixth on floor, and the 2016 Junior Olympics all-around co-champion. Some of the highlights of
25 Baumann's collegiate gymnastics career include Southeastern Conference Academic Honor Roll,
26 leading Georgia in 2021 Three beam titles, and earning SEC Academic Honor Roll.

27 **Emma Steigerwald** was a Division I women's soccer player at Virginia Tech from 2018-
28 2021. In 2020-21, Steigerwald was one of three athletes to start in all of Tech's 17 games.

1 Steigerwald logged the fifth-most minutes on the team, and fired the third-most shots on the team –
2 including the game-winner at Boston College. Steigerwald was an All-ACC Academic Team
3 honoree. Emma Steigerwald is now a paralegal and intake coordinator at The Simpson Tuegel Law
4 Firm, where she serves as the first point of contact for potential clients, helping them begin their
5 journey to justice.

6 **Dai’Ja Thomas** was a member of the NCAA Division I Women’s Basketball Team at
7 Southern Methodist University. As a freshman (2015-2016 season), Thomas played in 30 games
8 with one start. She averaged 5.0 points and 4.1 rebounds per game, all while only playing 16.7
9 minutes per contest. Thomas also led the team with a 48.7 shooting percentage (55-of-113). As a
10 sophomore (2016-2017 season), Thomas’s statistics and game play steadily continued to improve.
11 Thomas’s sophomore season included playing in 31 games with 10 starts, averaging 6.2 points and
12 5.1 rebounds per game. Thomas was second in blocking on the team, with 40 blocks and two
13 double-doubles. As a junior (2017-2018 season), Thomas faithfully played in all 30 games with 21
14 starts despite suffering a knee injury. Even during a career-ending injury season, Thomas was
15 second on the team and 13th in the conference with 6.4 rebounds per game. Thomas scored 15
16 points and tied the SMU single-game record with 22 rebounds against East Carolina, and had at least
17 10 rebounds six times. Thomas was also again second in blocking on the team as a junior, with 31
18 blocks.

19 **II. JOINDER IN THE ARGUMENT IN SUPPORT OF OBJECTION**

20 The seven class members join in the Objection to Settlement Agreement and Opposition to
21 Motion for Preliminary Settlement Approval [Doc. 475] as if stated fully herein. Objectors object to
22 the settlement for the reasons set forth in the Objection, and adopt and incorporate by reference the
23 arguments and authorities set forth in the Objection. Doc. 475 at p. 9. Objectors herein reiterate that
24 the settlement vastly undercompensates female athletes; creates a new anticompetitive cartel to limit
25 athlete compensation; and attempts to improperly cut off claims for fair employment compensation.
26 *Id.* at p. 9-20.

27 As the previously-filed Objection sets forth, women athletes have been disproportionately
28 harmed by the NCAA’s anticompetitive rules and practices, a by-product of discriminatory

1 practices. *Id.* at p. 10. The NCAA's failure to promote women's sports depressed the value of female
 2 athletes' NIL over decades, and the NCAA's scholarship cap denied women scholarships that would
 3 otherwise have been available under Title IX. *Id.* Yet, instead of compensating those injuries, the
 4 Settlement perpetuates the same inequalities it should remedy. *Id.* The result is a stunning disparity
 5 in compensation – well over 90% of the settlement proceeds will be paid to male athletes. *Id.* By
 6 reinforcing wrongful gender inequities instead of remedying them, the Settlement is a major setback
 7 for efforts to achieve gender equity in college athletics. *Id.*

8 Objectors therefore respectfully join the objection filed at Dkt. 475, adopt and incorporate by
 9 reference the arguments and authorities set forth in the Objection as if fully stated herein, and wish
 10 to be recognized as Objectors which have a stated, demonstrable interest in the settlement
 11 agreement. *See* Doc. 475. Objectors ask that the Court deny preliminary approval of the settlement
 12 agreement.

13
 14 Dated: September 4, 2024

Respectfully submitted,

15 By: /s/ Michelle Simpson Tuegel
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 Maryssa J. Simpson
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